

it is expressly stated, amongst other statements of what does *not*

make a marriage, that it is not the benediction of the priest, but the mental purpose of the man and woman. Other things only establish testimony and record. Weinhold<sup>1</sup> cites a poem of the eleventh century in which a wedding is described. After the

betrothal is agreed upon by the relatives, and property agreements

have been made, the groom gives to the bride a ring on a sword

hilt, saying, "As the ring firmly incloses thy finger, so do I

promise thee firm and constant fidelity, Thou shalt maintain the

same to me, or thy life shall be the penalty." She takes the ring,

they kiss, and the bystanders sing a wedding song. In a Suabian

document of the twelfth century, the bridegroom is the chief

actor.<sup>2</sup> He lays down successively seven gloves, the glove being

the symbol of the man himself in his individual responsibility

and authority. Each glove is a pledge of what he promises according to the

prescriptions of the Suabian mores, for which

his formula is, "As by right a free Suabian man should do to a

free Suabian woman." He enumerates the chief kinds of Suabian

property and promises to write out his pledges in a

*libellus*

*dotis*, if the bride will provide the scribe. Then the woman's guardian, having received these pledges, delivers her, with a sword (on the hilt of which is a finger ring), a penny, a mantle, and a hat on the sword, and says : " Herewith I transfer my ward to your faithfulness, and to your grace, and I pray you, by the faith with which I yield her to you, that you be her true guardian, and her gracious guardian, and that you do not become her direful guardian." "Then," it is added, "let him take her and have her as his." This must be a very ancient form, of German origin. There is no *consensus* expressed in it and the symbolism is elaborate. The *libelhis dotis* is evidently an innovation. It has a Latin name and is a contingent, not a substantive part of the man's acts. The old German form shows that the Latin church usage had not yet overturned the German tradition.

431. The canon law. In the Decretals of Gratian<sup>3</sup> the doctrine of nuptials is that they begin with the public ceremony

<sup>1</sup> *Deutsche Frauen*, I, 341.

<sup>2</sup> *Rhein. Mus.*, 1829, 281.

<sup>3</sup> II, c. XXVII, qu. 2, and c. XXXIV.